

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 August 2019</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/0514
Planning proposal:	Erection of single storey dwellinghouse with associated parking and landscaping

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr J Robertson
Location:	Land 41M WSW Of Righead United Reformed Church Mungo Park East Kilbride South Lanarkshire

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3 Other information

- ♦ Applicant's Agent: DTA Chartered Architects
- ♦ Council Area/Ward: 07 East Kilbride Central South
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan 2015**  
Policy 4 Development management and placemaking  
Policy 6 General urban area/settlements  
  
**Supplementary Guidance 3 Development Management, Placemaking and Design**  
Policy DM1 Design

**Proposed South Lanarkshire Local  
Development Plan 2**  
Policy 3 General Urban Areas and Settlements  
Policy 5 Development Management and  
Placemaking  
Policy DM1 New Development Design

◆ **Representation(s):**

▶	22	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

# **Planning Application Report**

## **1 Application Site**

- 1.1 The application site covers an area of 520 square metres and sits between an existing three storey block of flats and Righead United Reform church and associated hall. The site would be accessed from Mungo Park which runs parallel to Murrayhill.
- 1.2 The site is at a lower level to the adjacent flats and the proposed dwellinghouse would be positioned on the grassed area to the rear of the church and hall. The site is bounded to the rear by a mature hedge and this sits between the site and Murrayhill. Opposite the site, there are two blocks of flats.

## **2 Proposal(s)**

- 2.1 The applicant seeks detailed planning permission for the erection of a single storey, flat roofed two bedroomed dwellinghouse. Access would be taken directly from Mungo Park and in curtilage parking for two cars would be provided to the front of the site. A landscaped, garden area, approximately 8 metres in depth would be formed along the north-west boundary of the site closest to the block of flats. The garden to the rear of the proposed dwelling would be approximately 9 metres in depth.
- 2.2 The proposed dwelling has been designed to ensure there is no overlooking of the adjacent flats and the side elevation adjacent to the flats has no windows within that elevation. The proposal would be finished in facing brick similar to the finish on the adjacent church. There would be one bedroom window on the other side elevation of the proposal and this would look on to the blank wall of the church.

## **3 Background**

### **3.1 Local Plan Status**

- 3.1.1 In determining this planning application, the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and its associated Supplementary Guidance (SG).
- 3.1.2 In land use terms, the application site is identified within the SLLDP as being within a general residential area. Policy 6 (General Urban Area/Settlements) is applicable and states that residential developments and those of an ancillary nature may be acceptable within urban areas and settlements, provided they do not have a significant adverse impact on the amenity and character of the area. Developments that will be detrimental to residential amenity will not be permitted.
- 3.1.3 Policy 4 (Development Management and Place Making) of the SLLDP and Policy DM1 (Design) of Supplementary Guidance 3: Development Management, Place Making and Design are also considered relevant and require all development proposals to take account of, and be integrated with, the local context and built form of the area.

3.1.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:

- Policy 3 – General Urban Areas and Settlements
- Policy 5 – Development Management and Placemaking
- Policy DM1 – New Development Design

## 3.2 Planning Background

3.2.1 There have been a number of applications on the site previously:

- EK/06/0392 – Erection of 6 flats (refused)
- EK/07/0524 – Erection of detached dwelling (refused)
- EK/09/0171 – Erection of detached dwelling (Planning Permission in Principle) (refused and dismissed at appeal).

## 4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – no objections subject to provision of the appropriate parking.

**Response:** Noted. Should planning permission be granted, planning conditions can be imposed to control this matter.

4.2 **Roads and Transportation Services (Flood Risk Management)** – no objections subject to the provision of a suitable drainage scheme which takes account of flood risk.

**Response:** Noted. This condition has been attached.

## 5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised for the non-notification of neighbours in the East Kilbride News. Following this, twenty two letters of objection and one letter of comment have been received. The points raised are summarised as follows:

a) **Provision of the access to the new plot will create a major parking problem in the vicinity. On street parking is already at a premium and the proposal will remove two on-street spaces.**

**Response:** Roads and Transportation Services have confirmed that they are satisfied that the proposed house will provide sufficient off-street parking (2 spaces). Mungo Park is a public road which operates without permits and therefore on-street parking is provided on a first come, first served basis.

b) **The proposal will result in the loss of privacy to the properties in the flats adjacent. This is contrary to the Human Rights Act and will create**

**a sense of enclosure for the properties adjacent. In addition, the proposal will result in the loss of light to the properties adjacent.**

**Response:** There are no windows provided on the closest elevation to the flats. An 8.3 metre wide landscaped area will be provided between the flats and the house and garden proposed. This is in addition to the 3.3m wide grassed area between the flats and the application site. The site is also lower than the adjacent flats and is level with the existing church hall. The house has also been designed with a flat roof and is single storey in height in order to reduce loss of daylight and privacy.

- c) The construction could take up to 2 years and will cause significant amount of congestion in the locality and noise and upheaval for the residents adjacent.**

**Response:** The proposed house has been reduced in scale from previous designs and is relatively small. In this regard, I am satisfied that the construction period would not require to be excessively long. Construction is an accepted part of any development and the applicants will be required to adhere to a traffic management plan to ensure public safety at all times.

- d) The proposed house is out of keeping with the locality.**

**Response:** The proposed development has been designed to reflect the site's positioning adjacent to the church and hall. The proposal's flat roof, single storey design and proposed finishing materials are in keeping with the church's buildings. This will ensure that the house remains relatively low to the adjacent flats and that existing levels of privacy are maintained.

- e) The levels of the site will create drainage problems and will result in flooding on site and contamination entering the watercourse.**

**Response:** Should planning permission be granted, an appropriate condition can be imposed to ensure that an appropriate drainage scheme is provided on site.

- f) Wildlife should be protected at all times.**

**Response:** Noted. No trees will be removed as a result of the development and additional landscaping will be provided.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks consent for the erection of a single storey dwellinghouse with associated parking and landscaping. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local development plan policy and if there are other material considerations which are relevant to the consideration of this application.

- 6.2 Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan seek to protect the character and amenity of residential areas while supporting, in

principle, compatible uses. In summary, Policy 4 states that proposals which will detract from the character and amenity of the area will be resisted and development is required to satisfy certain criteria, including:

- (a) The proposed development relates satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use;
- (b) The character and amenity of the area is not impaired by reason of traffic generation, parking, visual intrusion,
- (c) There is no resultant loss or damage to spaces, trees, bushes or hedgerows that made a significant contribution to the character or amenity of the area;
- (d) The development is adequately serviced in terms of cycle, pedestrian and vehicular access, parking and accessibility to public transport.
- (e) There is no detrimental effect on public safety.

6.3 Policy DM1 – Design of Supplementary Guidance 3 Development Management, Placemaking and Design states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

6.4 In terms of the adjacent and surrounding development, the proposal will result in the erection of a single storey, flat roofed dwellinghouse. The site forms a gap site between a three storey flatted block and an existing church. The house has been designed to respect the locality in terms of where windows have been located, the distance set back from the boundary to the flats and the proposed finished floor level. The proposed dwellinghouse would also provide ample garden ground and appropriate parking for a dwelling of this size and would meet the requirements of the Council's Residential Development Guide. The materials to be used for the proposed dwelling would be modern and the facing brick used would reflect that used on the adjacent church. The layout and design of the proposal has taken account of the requirement to protect privacy. There are no windows on the side elevation facing the flats and the plot has been set back to allow for an 8 metre wide landscaped area to be formed between the proposed house and flats.

6.5 In terms of character and amenity, with specific regard to traffic generation, visual intrusion and noise, given that the proposal relates to one dwelling, I am satisfied that the associated construction period would be limited. In addition, for this reason, I consider that a residential development of this scale will not have a significant adverse impact on the character and amenity of the area or generate a level of noise significantly detrimental to the amenity of neighbouring residents.

6.6 As regards open space and landscaping, landscaping will be provided throughout the site and the garden provision will be in excess of that required by the Council's Residential Design Guide. Any proposed fencing can be controlled by planning condition should planning consent be granted.

6.7 I am, therefore, satisfied that the proposal is in accordance with Policies 4, 6 and DM1 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance. The proposed development also complies with the requirements of the Council's Residential Development Guide.

- 6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is, therefore, considered that the proposal also accords with Policies 3, 5 and DM2 in the proposed plan.
- 6.9 In terms of site history it is noted that planning permission has previously been refused on the site and a subsequent appeal dismissed however, the current proposal does differ substantially from previous proposals. The new design is modern, flat roofed, single storey and reflects the existing church hall building adjacent. Furthermore, no windows are proposed on the elevation facing the existing flats and a new landscaped area will be formed between the flats and the proposed house.
- 6.10 Twenty two letters of objection to the application have been received, raising concerns over the scale and design of the proposal, loss of light/overshadowing, parking, noise, loss of privacy, impact on amenity, and impact on the existing development character. All of the issues raised have been considered above, however, it is not considered that they are of sufficient weight or merit either individually or collectively to justify the refusal of consent.
- 6.11 In view of all of the above, and noting that the proposal accords with the policies and guidance of the adopted South Lanarkshire Local Development Plan, its associated supplementary guidance and the policies of the emerging Proposed South Lanarkshire Development Plan 2, it is recommended that planning permission is granted subject to the attached planning conditions.

## **7 Reasons for Decision**

- 7.1 The proposed development will not be detrimental to either residential or visual amenity and complies with Policies 4, 6 and DM1 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance. The proposals are also considered to comply with Policies 3, 5 and DM2 of the proposed South Lanarkshire Local Development Plan 2. There are no additional material considerations which would justify refusing planning permission.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 1 August 2019

### **Previous references**

♦ None

### **List of background papers**

▶	Application form	
▶	Application plans	
▶	South Lanarkshire Local Development Plan 2015 (adopted)	
▶	Proposed South Lanarkshire Development Plan 2	
▶	Neighbour notification letter dated 8 April 2019	
▶	Consultations	
	Roads Development Management Team	24.04.2019
	Roads Flood Risk Management	23.07.2019
▶	Representations	Dated:
	Mr And Mrs Fyfe, 17 Mungo Park, East Kilbride, G75 0AJ	29.04.2019
	Pheona Lynn, 23 Mungo Park, East Kilbride, G75 0AJ	07.05.2019
	Garry McKechnie, 27 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	Julie McAneny, 40 Mungo Park, East Kilbride, G75 0AJ	29.04.2019
	Thomas Campbell, 30 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	Mr David Harris, 25 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	Isabel McGregor, 38 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	Ian Main, 36 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	Allan and Edna Brownlie, 34 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	Harry Levy, 28 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	Emma Boyle, 26 Mungo Park, East Kilbride, Glasgow, South Lanarkshire, G75 0AJ	24.04.2019
	Jamie Gallacher, 24 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	Darren Young, received via e-mail	30.04.2019
	George Nelson, 33 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	Emma Boyle, 26 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	Ross Miller, 29 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	The Occupiers, 37 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	Julie McAneny, 40 Mungo Park, East Kilbride, G75 0AJ	01.05.2019
	Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75	29.04.2019



8LS

Roderick And Frances Montgomery, Received Via E-mail	29.04.2019
Julie Ann McAneny, 40 Mungo Park, Murray, East Kilbride, G75 0AJ	29.04.2019
Colin Reid, Received via e-mail	25.04.2019
Mary And Paul Gallagher, 43 Mungo Park, East Kilbride, G75 0AJ	07.05.2019

**Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 455048  
Email: [iain.morton@southlanarkshire.gov.uk](mailto:iain.morton@southlanarkshire.gov.uk)

### **Conditions and reasons**

01. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
  - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
  - (c) details of any top-soiling or other treatment to the ground;
  - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
  - (e) proposals for the initial and future maintenance of the landscaped areas;
  - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

02. That the landscaping scheme required by condition 1 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

03. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

04. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

05. That before the dwellinghouse situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4 above;, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

07. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Reason: To ensure the provision of a satisfactory sewerage system.

08. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the dwellinghouse and the adjoining road.

Reason: To safeguard the residential amenity of the area.

09. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no buildings or outhouses; ancillary to the enjoyment of the dwellinghouse hereby approved; shall be erected within the application site without the submission of a further planning application to the Council as Planning Authority.

Reason: To ensure that the Council retains control over future developments on the site.

10. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is

achieved and to ensure that appropriate access is available to enable refuse collection.

11. That prior to development commencing, a traffic management plan shall be submitted to and approved in writing by the Council as Planning Authority. The plan will include a compound layout, car parking facilities, wheel washing facilities and times of operations.

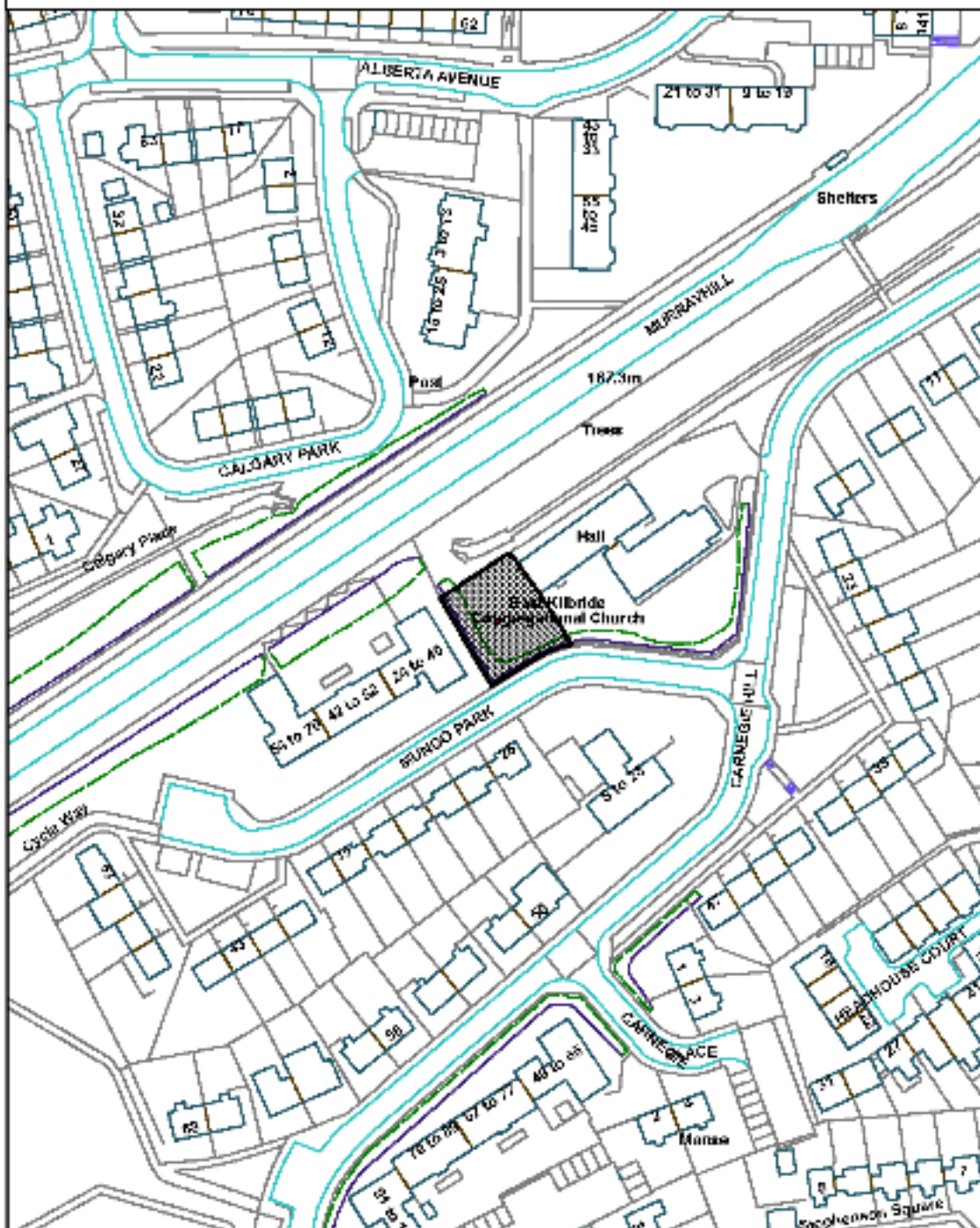
Reason: In the interests of public safety.

12. That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees and other landscape features within the site.

P/19/0514

Land 41m WSW of Righed United Reformed Church, Munga Park, East Kilbride



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Scale  
1:1,000  
Date  
10/07/2019



South Lanarkshire Council  
Community and Enterprise Resources  
Planning and Economic Development